

NOTICE OF PROPOSED RULE ADOPTION

STATE OF MISSISSIPPI MISSISSIPPI DEPARTMENT OF HUMAN SERVICES Division of Family & Children's Services

Mississippi Department of Human Services
Donald R. Taylor, Executive Director
c/o Rickie Felder, Director
Division of Family & Children's Services
750 N. State Street
Jackson, MS 39202
601-359-4999
rfelder@mdhs.state.ms.us
rgraham@mdhs.state.ms.us

Specific Legal Authority authorizing the promulgation of Rule: Mississippi Code, Sections 43-15-13(5), 43-21-13(8) and 43-21-603(5)(e); 42 U.S.C.675§475(5)(B) & (C); Adoption and Safe Families Act of 1997, Sections 101(I)(C) and 1355.30

Reference to Rules repealed, amended or suspended by the Proposed Rule : Amending the DFCS policy manual

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: 1) Add that the court or administrative body must make a findings or determination and cite the law; 2) Include whom shall be invited to the review hearings; 3) Define "permanency hearing"; and 4) Request the Permanency Hearing in the Mississippi Automated Child Welfare Information System (MACWIS) sixty days prior to the hearing date.

This rule is proposed as a ☐ Final Rule, and/or a ☒ Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding:

Check one box below:

☒ An oral proceeding is scheduled on this rule on Date: September 12, 2006 Time: 11:00 a.m.

Place: Mississippi Department of Human Services, Division of Family and Children's Services, 750 N. State Street, Jackson, MS, 39202

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least 5 day(s) prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

☐ An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement: Check one box below:

☒ The agency has determined that an economic impact statement is not required for this rule, or

☐ The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: August 25, 2006

Proposed Effective Date of Rule: September 30, 2006

Signature and Title of Person Submitting Rule for Filing

Rita C. Graham, Policy Lead/Family Protection Specialist Advanced